

REMARKS/ARGUMENTS

Claims 1, 2, 4, 5, 9, 14, 15, 17 and 18 remain pending. Claims 1, 2, 4, 14, 15, 17 and 18 stand rejected. Claims 3, 6-8, 10-13, 16, 19 and 20 were previously cancelled without prejudice. Claims 1, 5 and 14 are amended herein. No new matter has been added herein as a result of the amendments. Applicants respectfully note that it is believed that the Examiner's Amendment made subsequent to the September 24, 2010 Examiner's Interview inadvertently cancelled Applicants' Claim 5. Applicants' Claim 5 is amended herein to include the features of allowable Claim 9. Applicants wish to thank the Examiner for indicating that Claim 9 is allowed.

Applicants wish to thank the Examiner for the Examiner's interview on September 24, 2010. In this interview, we discussed Claims 1 and 14. The Examiner made amendments to Claim 14, as per the discussion, and as are shown in the Office Action mailed October 6, 2010 (hereinafter, "instant Office Action"). We also discussed amending Claims 1 and 14 to include the term "non-transitory".

The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicants. Applicants respectfully request the Examiner to consider and allow Claims 1, 2, 4, 5, 14, 15, 17 and 18 in view of the instant response.

35 U.S.C. §101 Claim Rejections

The instant Office Action rejects Claims 1, 2, 4, 14 and 15 under 35 U.S.C. §101 because it is asserted that the invention is directed to non-statutory subject matter. (Of note and as explained herein, Applicants believe that the instant Office Action also meant to reject Claim 5 for the same reasons as Claims 1, 2, 4, 14 and 15 are rejected. Therefore, Applicants will address Claim 5 under this section, as well as the Claims 1, 2, 4, 14 and 15.)

The instant Office Action recommends “[i]n order to overcome the 101 rejection”, that Applicants “change ‘computer readable storage media’ as ‘non-transitory computer readable storage media’” (instant Office Action, page 7, third paragraph). Applicants respectfully submit that Claims 1, 5 and 14 are amended herein to include the feature, “non-transitory computer readable storage media”. Therefore, Applicants respectfully submit that Claims 1, 5 and 14 overcome the 35 U.S.C. §101 rejections and are in condition for allowance. Furthermore, Applicants respectfully submit that Claims 2 and 4 depending on Claim 1 and Claims 15, 17 and 18 depending on Claim 14 are in condition for allowance as being dependent on an allowable base claim.

CONCLUSION

Applicants wish to once again thank the Examiner for the allowance of Claim 9. Further, Applicants wish to thank the Examiner for the indication of the allowance of Claims 1, 2, 4, 5, 14, 15, 17 and 18 if the amendments suggested by the Examiner are made. In light of the above-listed remarks and amendments, the Applicants respectfully request allowance of the Claims 1, 2, 4, 5, 14, 15, 17 and 18. Applicants again wish to thank the Examiner for his time in the Examiner interview conducted on September 24, 2010.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER BLECHER LLP

Date: 01/06/2011

/John P. Wagner, Jr./

John P. Wagner, Jr.  
Registration No. 35,398

Wagner Blecher LLP  
123 Westridge Drive  
Watsonville, CA 95076  
(408) 377-0500